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GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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COMMISSION ON WATER RESOURCE MANAGEMENT

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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

REF: OCCL: TF

CDUA: HA-3885

Acceptance Date: January 3, 2022  
180-day Exp. Date: July 2, 2022

James M. Leonard  
JM Leonard Planning, LLC  
56 Laukona Street  
Hilo, HI 96720

Jan 5, 2022

Dear Mr. Leonard:

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL  
DETERMINATION**

Conservation District Use Application (CDUA) HA-3885  
**(BOARD Permit)**

This acknowledges the receipt and acceptance for the processing of your clients' CDUA for a proposed Single-Family Residence, Landscaping, and related improvements located at 14-3543 Government Beach Road, Waawaa Subdivision, Waawaa, Puna, Island of Hawaii, Tax Map Key (TMK): (3) 1-4-028:008. The subject property is approximately 0.459-acres and lies in the Resource Subzone of the State Land Use Conservation District.

The applicants are proposing to construct an approximately 2,573 sq. ft single-story post-on-pier single-family residence consisting of 2 bedrooms, 2 bathrooms, a living room, kitchen, dining area, pantry, lanai, breezeway, and garage. A roof-mounted photovoltaic system; solar water heating panels; rainfall water catchment and storage tank; propane gas and storage tank for cooking, backup water heating, and electric power; a gravel driveway; fencing and a driveway gate on the mauka portion of the property; and an individual wastewater system are also proposed to support the residence. Additionally, the applicants are proposing to replace hala trees that are removed for the siting of the proposed driveway and single-family residence as well as remove and replace invasive trees on the property with hala trees or naupaka vegetation.

After reviewing the application, the Department finds that:

1. The proposed uses are identified land uses in the Resource Subzone of the Conservation District, pursuant to Hawaii Administrative Rules (HAR), §13-5-23 L-2 **LANDSCAPING** (D-1) Landscaping (including clearing, grubbing, grading and tree removal), including chemical and mechanical control methods, in accordance with state and federal laws and regulations, in an area of or more than 10,000 square feet. Any replanting shall be appropriate to the site location and shall give preference to plant material that are endemic or indigenous to Hawaii. The introduction of invasive plant species is prohibited; and HAR, §13-5-24 R-7 **SINGLE FAMILY RESIDENCE** (D-1) A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Please be advised, however, that this finding does not constitute approval of the proposal;
2. Pursuant to HAR, §13-5-40, a Public Hearing will not be required;
3. In conformance with Chapter 343, Hawaii Revised Statutes (HRS), as amended, and Chapter 11-200.1, HAR, a finding of no significant impact to the environment (FONSI) is anticipated for the proposed project; and,
4. The subject area is within the Special Management Area (SMA). The applicant's responsibility includes complying with the provisions of Hawaii's Coastal Zone Management law (Chapter 205A, HRS) that pertain to the Special Management Area (SMA) requirements administered by the various counties. Negative action on this application can be expected should you fail to obtain and provide us, one of the following:
  - An official determination that the proposal is exempt from the provisions of the county rules relating to the SMA;
  - An official determination that the proposed development is outside the SMA; or,
  - An SMA Use Permit for the proposed development.


Further, the OCCL offers the following comments on the CDUA and the Draft Environmental Assessment (EA):

- Please include a topography map of TMK: (3) 1-4-028:008 in the CDUA and Draft EA.
- Please include a schematic of the proposed roof-mounted photovoltaic solar system and panels.
- Please include a site plan/more details regarding the proposed fence and wooden access/entry gate along the mauka / Government Beach Road portion of TMK: (3) 1-4-028:008.

- Please include more details in the proposed “LANDSCAPE PLAN” including approximate number and types of trees to be removed and replanted as well as their location on the property.
- Please clarify if all proposed structures such as the single-car garage will be under one (1) roof.
  - Note: Pursuant to HAR Chapter 13-5 Exhibit 4 Single Family Residential Standards and Compatibility Provisions: *All structures connected, or best alternative.*
- “Table 2. Plant Species Observed on Property” (Table 1 in the Draft EA) also identifies Indigenous plant species Ekaha and Mauu aki aki as being present on the property. Please discuss the abundance and conservation status of these indigenous plant species.
- Page 51 of the Draft EA states “Single-family residences are an identified use in the Resource Subzone under HAR 13-5-24, R-8.” A single-family residence is an identified land use in the Resource Subzone of the State Land Use Conservation District that may be applied for pursuant to HAR, §13-5-24 R-7 **SINGLE FAMILY RESIDENCE** (D-1) A single family residence that conforms to design standards as outlined in Chapter 13-5, HAR. Please correct this discrepancy in the Draft EA as well as in the CDUA.

This CDUA will be submitted to the Board of Land and Natural Resources for their consideration after all reviews and evaluations of the proposal have been made. Should you have any questions, please contact Trevor Fitzpatrick of our Office of Conservation and Coastal Land at (808) 798-6660.

Sincerely,



Suzanne D. Case, Chairperson  
Board of Land and Natural Resources



c: Hawaii Board Member  
CWRM/HDLO/DAR/DOFAW/NAH/ENG/DOCARE/OHA/DOH/ERP  
County of Hawaii, Department of Planning  
Hawaii Fire Department  
Pahoa Public Library  
Malama O Puna